IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 12329 of 2005

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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TAVIYADMAGANBHAICHAMPABHAI - Petitioner(s)

Versus

DISTRICT PRIMARY EDUCATION OFFICER JUNAGADH & 3 - Respondent(s)

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Appearance :

MR KB PUJARA for Petitioner No(s).: 1.

NOTICE SERVED BY DS for Respondent No(s).: 1,3.
MR RA MISHRA for Respondent No(s).: 1.
None for Respondent No(s).: 2.
MS NANDINI JOSHI, AGP for Respondent No(s).: 3.

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CORAM :HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date : 05/07/2005

ORAL JUDGMENT

Mr.Pujara, learned advocate for the petitioner submitted that the respondent No.2 is a formal party, as no prayer is made against him. He further submitted that because of bad weather he could not serve respondent No.2

and, therefore, he seeks permission to delete the name of the respondent No.2 from the present proceedings.

Permission, as prayed for, is granted. Name of respondent No.2 stands deleted from the present proceedings.

RULE. Mr.R.A.Mishra, learned advocate waives service of notice of rule on behalf of respondent No.1 and learned AGP, Ms.Nandini Joshi, waives service of notice of rule on behalf of respondent No.3. With the consent of the parties, matter is taken up for final hearing today.

It is the case of the petitioner that he is serving as a primary teacher in Junagadh District and he has completed more than 14 years of service and, therefore, he is entitled to get the benefit of inter-district transfer. It is the averment in the petition that the petitioner's request for inter-district transfer has been duly processed by the District Primary Education Officer, Godhra. It is also stated that the District Primary Education Officer, Godhra, has already passed an order on 31-5-2005 by which he has accepted the request of the petitioner for his transfer from Junagadh district to Panchmahal district. The said order is at Annexure-A in the compilation.

The grievance of the petitioner is that inspite of the fact that the District Primary Education Officer,

Godhra, has already accepted the request of the petitioner for his transfer from Junagadh district to Panchmahal district, the petitioner has not been relieved by the District Primary Education Officer, Junagadh.

Mr.Mishra, learned advocate appearing on behalf of the District Primary Education Officer, Junagadh, states that because of administrative exigency the petitioner could not be relieved earlier and the petitioner will be given relieving order at the earliest. He submitted that such relieving order will be passed on or before 30th July, 2005.

In that view of the matter, respondent No.1 is directed to issue an order relieving the petitioner from Junagadh district, on or before 30th July, 2005, in order to see that the petitioner resumes his duties at the transferred place, which is in Panchmahal district.

Accordingly, this petition is allowed. Rule is made absolute to the above extent. No costs. Direct service is permitted.

(P.B.MAJMUDAR, J.)

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